

EDUCATION & LOCAL GOV'T IC
SEPTEMBER 13, 2012
Exhibit 16

Proposed committee bill language for resolution of the "subdivision for lease or rent" issue

-promoting the local option

(as delivered to the Senate Local Government Committee during the 62nd legislative session)

Whereas, the statutory language referencing the lease or rent provisions of this part have been determined to be problematic in administering the provisions of this chapter and,

Whereas, the broad and diverse examples of land uses associated with the terms "lease" and "rent" are so many and the legislative time to attempt statewide classification of each and every use so limited, and

Whereas, the 62nd legislative assembly of the State of Montana is committed to promoting and preserving local decision-making in reflecting local values relative to land use and development and,

Therefore be it resolved that the 62nd legislative assembly of the State of Montana finds that it is necessary to add statutory clarity to its determination that local governments establish criteria and regulations to address the use of exemptions from the Montana Subdivision and Platting Act.

76-3-208. Subdivisions ~~exempted from surveying and filing requirements but subject to review provisions for rent or lease.~~

(1) Subdivisions created by rent or lease are exempt from the surveying and filing requirements of this chapter but must be submitted for review and approved by the governing body before portions thereof may be rented or leased, unless local regulations limit the requirement for review.

(2) The governing body may adopt local regulations providing for one or more of the following:

- a. exempting all subdivisions for rent or lease from review,
- b. exempting specified types or categories of subdivisions for rent or lease from review,
- c. a limited review of subdivisions for rent or lease, whereby the governing body may specify which review criteria and other legal requirements found in this chapter do or do not apply to subdivisions for rent or lease, and/or
- d. an expedited review procedure for subdivisions for rent or lease.

(1) Fees for expedited review procedures may be established as provided for in 76-3-602.